

UNITED STATES DISTRICT COURT  
Southern District of New York

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MENTAL HYGIENE LEGAL SERVICE,

Plaintiff,

and SHAWN S.,

Intervening Plaintiff,

-v.-

ELIOT SPITZER, in his official capacity as Governor of the State of New York, ANDREW CUOMO, in his official capacity as Attorney General of the State of New York, MICHAEL HOGAN, in his official capacity as Commissioner of the New York State Office of Mental Health, DIANA JONES RITTER, in her official capacity as Commissioner of the New York State Office of Mental Retardation and Developmental Disabilities, and BRIAN FISCHER, in his official capacity as Commissioner of the New York State Department of Correctional Services,

Defendants.

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**SUMMONS IN A CIVIL ACTION**

**Docket No. 07-CV-2935 (GEL)**

**TO:** Eliot Spitzer, Governor  
State Capitol  
Albany, New York 12224

Andrew Cuomo  
Attorney General of the State of New York  
Department of Law  
The Capitol  
Albany, New York 12224

Michael Hogan, Commissioner  
New York State Office of Mental Health  
44 Holland Avenue  
Albany, New York 12229

Diana Jones Ritter, Commissioner

New York State Office of Mental Retardation and

Developmental Disabilities

44 Holland Avenue

Albany, New York 12229

Brian Fischer, Commissioner

New York State Department of Correctional Services

Building 2

1220 Washington Avenue

Albany, New York 12226-2050

**YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY**

Sheila E. Shea, Esq., Director

Mental Hygiene Legal Service, Third Judicial Department

By: Hollie S. Levine, Associate Attorney, of counsel

44 Hawley Street - 16<sup>th</sup> Floor

Binghamton, New York 13901

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

SEP 28 2007

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CLERK

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DATE

  
(By) DEPUTY CLERK

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE October 5, 2007
NAME OF SERVER (PRINT) Sheila E. Shea	TITLE Director, Mental Hygiene Legal Service, 3rd Judicial Department

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served:
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Carol Constanza, Principal Clerk  
New York State Attorney General's Office

- Returned unexecuted:  
Carol Constanza  
 Received Service of process on behalf of defendants  
Other (specify): Eliot Spitzer, Andrew Cuomo, Michael Hogan, Diana Jones Ritter, and Brian Fischer upon consent of counsel for the defendants, Assistant Attorney General Edward Curtis

**STATE OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
		\$0.00

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on October 12, 2007  
Date

Signature of Server

Director, Mental Hygiene  
Legal Service

Address of Server  
40 Steuben Street, Suite 501  
Albany, New York 12207

<sup>(1)</sup> As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure